

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/26/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SADEQ K. SALEH *and* ALEX MINI MARKET  
CORP.,

Plaintiffs,

-against -

UNITED STATES OF AMERICA, UNITED  
STATES DEPARTMENT OF AGRICULTURE,  
FOOD AND NUTRITION SERVICE,

Defendants.

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GREGORY H. WOODS, United States District Judge:

1:22-cv-7110-GHW

ORDER

On August 23, 2022, the Court issued an order directing the parties to appear for an initial pretrial conference for October 24, 2022. *See* Dkt. No. 7. On October 24, 2022, the Court, counsel for Defendants, and the court reporter joined the conference. However, counsel for Plaintiffs failed to appear at the October 24, 2022 conference. In light of the failure by Plaintiff's counsel to appear, the Court adjourned the conference.


Plaintiffs' counsel failed to comply with the Court's August 23, 2022 order when he did not appear for the conference. The Court reminds Plaintiff's counsel that he must comply with the Court's orders. Continued failure to comply with the Court's orders or to participate actively in the litigation process may result in dismissal of this case under Federal Rule of Civil Procedure 41(b). Rule 41(b) provides, in relevant part, that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P. 41(b). "Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute." *LeSane v. Hall's Sec.*

*Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

The initial pretrial conference scheduled for October 24, 2022 will instead take place on October 31, 2022 at 3:00 p.m. The conference will be conducted by telephone. The parties are directed to the Court's Emergency Rules in Light of COVID-19, which are available on the Court's website, for the dial-in number and other relevant instructions. The parties are specifically directed to comply with Rule 2(C) of the Court's Emergency Rules.

SO ORDERED.

Dated: October 26, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge